

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTH DIVISION OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:20-CR-182-O

HEATH ALLEN PAIN (01)

FACTUAL RESUME

I. Plea:

Count One: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

II. Penalties:

The penalties the Court can impose include:

- a. imprisonment for a period not to exceed ten (10) years;
- b. a fine not to exceed \$250,000, or both a fine and imprisonment;
- c. a term of supervised release not to exceed three (3) years, which may be mandatory under the law and will follow any term of imprisonment. If the defendant violates any condition of supervised release, the Court may revoke such release term and require that the defendant serve an additional period of confinement;
- d. a mandatory special assessment of \$100;
- e. restitution to victims or to the community;
- f. forfeiture of firearms and ammunition; and
- g. costs of incarceration and supervision.

III. Elements of the Offense:

In order to establish the offense alleged in Count One of the Indictment, the government must prove each of the following elements beyond a reasonable doubt:

- First: That the defendant knowingly possessed a firearm, as charged in the Indictment;
- Second: That before the defendant possessed the firearm, the defendant had been convicted of a crime punishable by imprisonment for a term in excess of one year;
- Third: At the time he possessed the firearm, the defendant knew that he had been convicted of a crime punishable by imprisonment for a term in excess of one year; and
- Fourth: That the possession of the firearm was in or affecting interstate or foreign commerce, that is, that before the defendant possessed the firearm, it had traveled at some time from one state to another, or between any part of the United States and any other country.

IV. Stipulated Facts:

On or about January 9, 2020, in Benbrook, Texas, officers of the Benbrook Police Department observed defendant **Heath Allen Paine** in the passenger's seat of a stopped motor vehicle. After **Paine** got out of the vehicle, officers searched him and found a Glock, model 27, .40 caliber pistol, serial number XDK096 in a pocket of the jacket **Paine** was wearing.

Records reflect that prior to possessing the firearm, **Paine** had been convicted in Titus County, Texas, of a felony offense for which he received a prison sentence. The Glock firearm **Paine** possessed was manufactured outside the state of Texas.

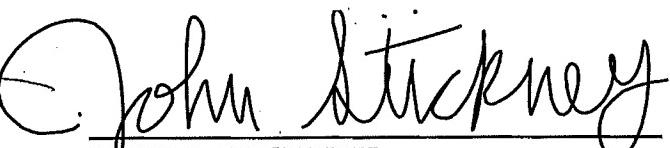
Paine admits he knowingly possessed the firearm. Prior to his possession of the firearm, Paine had been convicted of a crime punishable by imprisonment for a term in excess of one year, and he knew, at the time he possessed the firearm, he had been previously convicted of such a crime. Paine admits that the firearm was manufactured outside the state of Texas and it traveled in interstate or foreign commerce to reach Texas.

AGREED AND STIPULATED on this 7th day of August, 2020.



Heath Allen Paine

HEATH ALLEN PAINE
Defendant



John J. Stickney

JOHN J. STICKNEY
Attorney for Defendant